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| APPLICATION NO.          | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 10/614,740               | 07/08/2003  | John Frank Kralic    | 201144.00001        | 6209             |
| 21324                    | 7590        | 08/14/2007           | EXAMINER            |                  |
| HAHN LOESER & PARKS, LLP |             |                      | WUJCIAK, ALFRED J   |                  |
| One GOJO Plaza           |             |                      | ART UNIT            | PAPER NUMBER     |
| Suite 300                |             |                      | 3632                |                  |
| AKRON, OH 44311-1076     |             |                      |                     |                  |
| NOTIFICATION DATE        |             | DELIVERY MODE        |                     |                  |
| 08/14/2007               |             | ELECTRONIC           |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com  
akron-docket@hotmail.com

|                              |  |                         |  |
|------------------------------|--|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>                       | <b>Applicant(s)</b>     |  |
|                              | 10/614,740                                   | KRALIC, JOHN FRANK      |  |
|                              | <b>Examiner</b><br>Alfred Joseph Wujciak III | <b>Art Unit</b><br>3632 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/25/07.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 28-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This is the first Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

### *Declaration*

*AJW  
7/15/07*  
The declaration filed on 6/25/07 is insufficient to overcome the rejections below because it does not comply <sup>with</sup> the 37 CFR 1.131 or 37 CFR 1.132 affidavit or declaration (see MPEP 715 for further information regarding affidavit or declaration).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 31, 34, 36, 38-50, 53 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,142,434 to Trost et al. and in view of Japan Patent # 411210271 A to Sagawa et al. et al.

Trost et al. teaches a cross arm (22) for a utility pole (12) having a fastening system. The fastening system includes clamping means (10). The clamping means is being secured to pole operative to extend about the cross arm. The clamping means includes a saddle/seat (46) that incorporates end portion of cross arm. The clamping means having a clamping force (44) for

clamping about the pole. The saddle/seat secures the cross arm by mechanical fastening (86).

The cross arm has an extension arm (14) extending upwardly from the cross-arm.

Trost et al. teaches the cross arm and extension arm but fails to teach the cross arm, extension arm and seat are formed of metallic and coated with insulatory coating. Sagawa et al. et al. teaches metallic structures (10 and 20, see abstract) coated with insulatory coating by polymeric material. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross arm with metallic and coated with plastic insulating material as taught by Sagawa et al. et al. to increase the life cycle for the cross arm than wood material and to reduce electrical shock on the cross arm.

In regards to claim 34, Trost et al. in view of Sagawa et al. teaches the polymeric material but fails to teach the polymeric material is thermoplastic. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al. in view of Sagawa et al.'s polymeric material to thermoplastic to provide designer's preference for the kind of polymeric material to use as coating.

In regards to claim 43, Trost et al. teaches the extension arm but fails to show that the extension arm is hollow. Since the extension arm is mounted on a threaded fastener and that it would have been obvious for one of ordinary skill in the art at the time the invention was made to have extension arm hollow for the fastener to insert therein for convenience of mounting the extension arm on the cross arm.

Art Unit: 3632

In regard to claims 57-59, Trost et al. in view of Sagawa et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for elements in method to provide a convenience for setting up the cross arm on the pole.

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 3,803,570 to Barlow et al.

Trost et al. in view of Sagawa et al. teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10KV/mm. Barlow et al. teaches the coating having dielectric (40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added dielectric to Trost et al. in view of Sagawa et al.'s coating as taught by Barlow et al. to reduce electric static on the cross arm.

Trost et al. in view of Sagawa et al. and Barlow et al. teaches the dielectric but fails to teach the dielectric having strength of greater than 10KV/mm. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have increased Trost et al. in view of Sagawa et al. and Barlow et al.'s dielectric strength greater than 10KV/mm to reduce elastic static on the cross arm.

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of  
United Kingdom Patent Application 2,384,223 to Lowson.

Art Unit: 3632

Trost et al. teaches the cross-arm but fails to teach the cross-arm comprises a hollow steel section. Lowson teaches the cross-arm (2) comprises hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross-arm with hollow steel section as taught by Lowson to reduce weight of cross-arm.

Claims 32 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 2004/0035602 to White.

Trost et al. teaches the cross arm but fails to teach the cross arm comprises powder of the polymeric material. White teaches polyurethane powder for housing section (104, section 0025). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added powder of the polymeric material to Trost et al.'s cross arm as taught by White to reduce electric shock on the cross arm.

Claims 33, 35 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 6,146,576 to Blackmore.

Trost et al. in view of Sagawa et al. teaches the coating but fails to teach coating is made of nylon material or epoxy (claim 35). Blackmore teaches the coating (16) made of nylon material. Furthermore, Blackmore teaches epoxy (col. 11, line 32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et

Art Unit: 3632

al. in view of Sagawa et al.'s coating with nylon material/epoxy as taught by Blackmore to provide designer's choice of material for coating.

Claims 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Sagawa et al. and in further view of US Patent # 6,464,196 to Crookham et al.

Trost et al. teaches the pole (12) but fails to teach the pole is made of steel. Crookham et al. teaches the pole (20) is made of steel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s pole with steel as taught by Crookham et al. to provide additional strength in the pole to withstand the bad storm.

#### *Response to Arguments*

Applicant's arguments filed 6/25/07 have been fully considered but they are not persuasive.

The applicant argues "JP'271 teaches passing a beam pipe directly through a post. This is directly opposite to the teaching of the '434 patent." The examiner is using JP'271 material with metallic coated with insulatory coating with polymeric material to replace with '434 patent with wooden cross arm to increase life cycle and reduce electrical shock on the cross arm. Since JP'271 and '434 are analogous art for having cross arm mounted on/in the post, the examiner is making a proper combination rejection.

The applicant argues JP'271 fails to teach an insulated coating. The examiner disagrees with the applicant because the abstract in JP'271 clearly states "the pipe-like post 10 and beam pipe 20 are formed of plastic coated metal pipes having imitation-wooden patterns." According

Art Unit: 3632

to The Science and Engineering of Materials, 3<sup>rd</sup> edition, states that polymers (plastic) "have low electrical and thermal conductivities" (page 7) and "Electrical insulators obviously must have a very low conductivity, or high resistivity, to prevent the flow of current. Insulators are produced from ceramic and polymer materials" (page 626). JP'271 plastic on the beam pipe provides insulation from electric conductivity, therefore JP'271 teaches insulated coating.

The applicant argues JP'271 teaches "highly irregular wood grain coating." The examiner disagrees because the abstract in JP'271 explains that the plastic coated metal pipes having imitation-wooden patterns which means the plastic coated metal pipes having artificial wooden appearance.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Primary Examiner

Art Unit 3632

7/5/07



A. JOSEPH WUJCIAK III  
PRIMARY EXAMINER  
TECHNOLOGY CENTER